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Mark Barnes: ASU student believes in courting his adversaries

Always do that which is right; you will amaze your enemies and delight your supporters.

— Mark Twain

By Judy Hille
Republic Staff

TEMPE — Mark Barnes is particularly fond of that Mark Twain quote. His efforts to follow its advice have led the 24-year-old into U.S. District Court twice in the last two months, first to prevent Arizona State University from enforcing a ban on X-rated films, and then to file a freedom-of-information suit against the Central Intelligence Agency.

The young man already has experienced having total strangers stop him and thank him for working in their behalf. Crank letters also have come his way.

The third-year law student at ASU has been in the middle of unusual actions ever since he was student body president in 1977-78.

After graduating from ASU in 1978 with a degree in political science, Barnes spent two years in the law school at the University of California at Los Angeles. He is now a visiting law student at ASU, but his juris doctor will come from UCLA after this year.

"The reason I came over here was because I'm from Alaska, and there's a professor here in trial advocacy named Wendall Kay. He's from Alaska and has been a trial lawyer for something like 42 years, and I wanted to study with him. He calls himself 'The Silver Fox of the North,'" Barnes said.

"Also, I have a lot of family over here — my brother and grandparents. I wanted to spend some time with them before I take off for parts unknown."

When asked about his latest court action, Barnes said, "The first thing I want to emphasize is I fully support the function of the CIA as long as they stay within the boundaries Congress and the Constitution have set."

Barnes has been trying for more than three years to get information about the agency's covert activities at ASU in the late '70s, ever since he was the only student on a faculty committee to draw up guidelines for university officials in contract relationships with intelligence services.

"I didn't really want to go to court," Barnes said. "I didn't have the money, I didn't have the time. But I thought, if I had been practicing law, would I blow this off? And the answer was no. I wouldn't have waited so long to sue."

"I still believe it would be helpful information, in helping to formulate administrative policy, and as historical background as well."

Why is Barnes doing all this? Believe it or not, he says, just because he thinks it needs to be done.

He said the American Civil Liberties Union may pick up the CIA suit. That group is already involved in the First Amendment action.

The suit over X-rated films filed by Barnes, two other law students and the student film series director is still pending. The judge is reviewing a pretrial order, and the students say they anticipate a late April court date.

The ongoing dispute between students and ASU officials over X-rated films is seen by Barnes as "the administration's attempt to regulate content of what we consider a public forum, which in this case happens to be films."

The whole rating scheme, he said, doesn't apply to adults. An X-rating merely means no one younger than 17 is admitted, Barnes said.

"Last week the remake of *The Lone Ranger* was rated X because they used trip wires on the horses," Barnes said.

"This (film ban) is not a problem at the two other state universities in Arizona, so why is it a problem at ASU?" Barnes said, noting that X-rated films are shown on campus at the University of Arizona in Tucson. "We have a university president who believes he can impose his moral code on the students and faculty of this university through this kind of prior restraint on the kind of films shown on campus."

Barnes said the precedent the administration is trying to establish reaches to all segments of the university, including academic freedom.

How does a 24-year-old become motivated to get involved in public issues?

Mark Barnes says he was exposed to them at an early age. He was only 6 when President John F. Kennedy was buried, but his mother's grief made such an impression that Barnes studied Kennedy's writings when he was older.

"I came to admire him just as much as my parents did," Barnes said.

Barnes is from Sitka, a town of 10,000 in the southeastern part of Alaska. It is a tourist and cultural center that was once the capital of Russian America before the territory was sold to the United States in 1878. Barnes was a tour guide in the Russian Orthodox cathedral.

"I just generally like working with people, and I don't see myself in a work-type position where I'm not interacting with other people," Barnes said. "I didn't want to go into medicine because I couldn't see cutting open people."

Barnes' family background is a bit unusual. Both parents were artists and entertainers. He and

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